

**PHYSICAL THERAPY BOARD OF CALIFORNIA****Consumer Protection Services Program**

1418 HOWE AVENUE, SUITE 16, SACRAMENTO, CA 95825-3204  
TELEPHONE (916) 561-8200 FAX (916) 263-2560 TOLL FREE 1-800-832-2251  
INTERNET <http://www.ptb.ca.gov>  
EMAIL [cps@dca.ca.gov](mailto:cps@dca.ca.gov)

June 9, 2006

Citation No. 05-06-0160

Michael G. Schmitt, PT  
11375 Ocean Ridge Way  
San Diego, CA 92130

License No. PT 16141

**CITATION**

Investigation of a complaint submitted revealed actions taken by you which violate sections of the law regulating the practice of physical therapy.

A Citation is hereby issued to you in accordance with Section 125.9 of the Business and Professions Code for the violations described below.

**FIRST CAUSE FOR CITATION**

1. 2660(d). Conviction of a crime which substantially relates to the qualifications, functions, or duties of a physical therapist. The record of conviction or a certified copy thereof shall be conclusive evidence of that conviction.

You are subject to citation and fine under section 2660(d) of the code in that on or about October 26, 2005, you plead guilty and suffered a misdemeanor conviction for a violation of Vehicle Code section 23152(B) (Driving Under Influence: Alcohol/Drugs) in San Diego County, Court case number M970541 and were ordered to pay a fine of \$1,750.00.

## SECOND CAUSE FOR CITATION

2. §2661. A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony or of a any offense which substantially relates to the qualifications, functions, or duties of a physical therapist is deemed to be a conviction within the meaning of this article. The board may order the license suspended or revoked, or may decline to issue a license, when the time for appeal has elapsed, or judgement of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the penal Code allowing that person to withdraw his or her plea of guilty and to inter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

You are subject to citation and fine under section 2661 of the code in that on or about October 26, 2005, you plead guilty and suffered a misdemeanor conviction for a violation of Vehicle Code section 23152(B) (Driving Under Influence: Alcohol/Drugs) in San Diego County, Court case number M970541 and were ordered to pay a fine of \$1,750.00.

## ORDER

Further, **you are ordered to pay a fine of \$ 500.00** to the Physical Therapy Board of California within 30 days after receipt of this Citation.

If you wish to contest all or any part of this Citation, complete the enclosed "Notice of Appeal -Request for Informal Conference" form and return it to this office within 10 days after receipt of this Citation. The date indicated on the order of abatement will be held in abeyance only for any violation(s) you wish to contest. The time to correct all uncontested violations will be adhered to as specified. In the alternative, you may, within 30 days after receipt of this Citation, request a formal administrative hearing before an administrative law judge under the Administrative Procedure Act.

**FAILURE TO RETURN THE REQUEST FOR INFORMAL CONFERENCE FORM OR  
TO REQUEST AN ADMINISTRATIVE HEARING WITHIN THE TIME INDICATED  
WILL CONSTITUTE A WAIVER OF YOUR RIGHT TO ADMINISTRATIVELY  
CONTEST OR APPEAL THIS CITATION.**

Administrative Fine

\$ 500.00

FOR YOUR PROTECTION AND TO ASSURE PROPER CREDIT,  
PLEASE RETURN THE COPY OF THE CITATION  
AND NOTE THE CITATION NUMBER ON YOUR CHECK  
OR MONEY ORDER.

06-09-06

\_\_\_\_\_  
Date

Original Signed By:

\_\_\_\_\_  
STEVEN K. HARTZELL  
Executive Officer

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**ORDER OF ABATEMENT**

June 9, 2006

Citation Against: Michael Schmitt

Citation No. 05-06-0160

Item No. 1

Violations: Business and Professions Code Section 2660(d).

Conviction of a crime which substantially relates to the qualifications, functions, or duties of a physical therapist. The record of conviction or a certified copy thereof shall be conclusive evidence of that conviction.

Description:

Order of Correction

You are hereby ordered to abate this violation immediately and to cease and desist from further violation.

Failure to comply with the provisions of this Citation and Order of Abatement within 30 days of receipt may result in further legal action.